

116TH CONGRESS  
1ST SESSION

# S. 1828

To amend the Fair Credit Reporting Act to clarify Federal law with respect to reporting certain positive consumer credit information to consumer reporting agencies, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Mr. SCOTT of South Carolina (for himself, Mr. MANCHIN, Mr. COTTON, Mr. JONES, Mr. ROUNDS, Mr. KING, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To amend the Fair Credit Reporting Act to clarify Federal law with respect to reporting certain positive consumer credit information to consumer reporting agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Credit Access and In-  
5 clusion Act of 2019”.

1 **SEC. 2. POSITIVE CREDIT REPORTING PERMITTED.**

2 (a) IN GENERAL.—Section 623 of the Fair Credit  
3 Reporting Act (15 U.S.C. 1681s–2) is amended by adding  
4 at the end the following:

5 “(f) FULL-FILE CREDIT REPORTING.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) ENERGY UTILITY FIRM.—The term  
8 ‘energy utility firm’ means an entity that pro-  
9 vides gas or electric utility services to the pub-  
10 lic.

11 “(B) UTILITY OR TELECOMMUNICATION  
12 FIRM.—The term ‘utility or telecommunication  
13 firm’ means an entity that provides utility serv-  
14 ices to the public through pipe, wire, landline,  
15 wireless, cable, or other connected facilities, or  
16 radio, electronic, or similar transmission (in-  
17 cluding the extension of such facilities).

18 “(2) INFORMATION RELATING TO LEASE  
19 AGREEMENTS, UTILITIES, AND TELECOMMUNI-  
20 CATIONS SERVICES.—Subject to the limitation in  
21 paragraph (3) and notwithstanding any other provi-  
22 sion of law, a person or the Secretary of Housing  
23 and Urban Development may furnish to a consumer  
24 reporting agency information relating to the per-  
25 formance of a consumer in making payments—

1           “(A) under a lease agreement with respect  
2           to a dwelling, including such a lease in which  
3           the Department of Housing and Urban Devel-  
4           opment provides subsidized payments for occu-  
5           pancy in a dwelling; or

6           “(B) pursuant to a contract for a utility or  
7           telecommunications service.

8           “(3) LIMITATION.—Information about the  
9           usage by a consumer of any utility service provided  
10          by a utility or telecommunication firm may be fur-  
11          nished to a consumer reporting agency only to the  
12          extent that the information relates to the payment  
13          by the consumer for the service of the utility or tele-  
14          communication service or other terms of the provi-  
15          sion of the services to the consumer, including any  
16          deposit, discount, or conditions for interruption or  
17          termination of the service.

18          “(4) PAYMENT PLAN.—An energy utility firm  
19          may not report payment information to a consumer  
20          reporting agency with respect to an outstanding bal-  
21          ance of a consumer as late if—

22               “(A) the energy utility firm and the con-  
23               sumer have entered into a payment plan (in-  
24               cluding a deferred payment agreement, an ar-  
25               rearage management program, or a debt for-

1           givenness program) with respect to such out-  
 2           standing balance; and

3           “(B) the consumer is meeting the obliga-  
 4           tions of the payment plan, as determined by the  
 5           energy utility firm.”.

6           (b) LIMITATION ON LIABILITY.—Section 623(c) of  
 7           the Fair Credit Reporting Act (15 U.S.C. 1681s–2(c)) is  
 8           amended—

9           (1) in paragraph (2), by striking “or” at the  
 10          end;

11          (2) by redesignating paragraph (3) as para-  
 12          graph (4); and

13          (3) by inserting after paragraph (2) the fol-  
 14          lowing:

15          “(3) subsection (f) of this section, including any  
 16          regulations issued thereunder; or”.

17          (c) GAO STUDY AND REPORT.—Not later than 2  
 18          years after the date of the enactment of this Act, the  
 19          Comptroller General of the United States shall submit to  
 20          Congress a report on the impact of furnishing information  
 21          pursuant to subsection (f) of section 623 of the Fair Cred-  
 22          it Reporting Act (15 U.S.C. 1681s–2), as added by sub-  
 23          section (a) of this Act, on consumers.

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